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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,245	06/06/2006	Toyounki Yokohara	094500204353-US0	4152
7278	7590	12/24/2008	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			GARCIA, ERNESTO	
			ART UNIT	PAPER NUMBER
			3679	
			MAIL DATE	DELIVERY MODE
			12/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,245

Applicant(s)

YOKOHARA, TOYOAKI

Examiner

ERNESTO GARCIA

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7 and 9 is/are rejected.
- 7) ☒ Claim(s) 1-3,5,7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 28, 2008 has been entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "a line apart from each other" (claim 3, line 5) and "a line along the longitudinal direction" (claim 5, line 13) must be shown or the feature canceled from the claim. No new matter should be entered. With respect to claim 5, note that no line is present along the longitudinal direction. Figure 2 shows lines along a latitudinal direction.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1 and 5 are objected to because of the following informalities:

regarding claim 1, --third-- should be inserted before "dimples" in line 17 as this is an additional plurality of dimples; and,

regarding claim 5, the recitation "having opening areas equal to each other" in line 13 is out of place and raises the question what has the opening areas equal to each other, "these" in line 18 should be --the--, and --third-- should be inserted before "dimples" in line 19 as this is an additional plurality of dimples. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

Claims 1-3, 5, 7, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the metes and bounds of the claim is still unclear. The recitation "of a ball joint provided in a socket" in line 1 makes unclear how a ball joint is provided in a socket when a socket makes up a ball joint. Is the claim supposed to be saying that the bearing seat is provided in a socket instead? If so, this would be unclear how providing the bearing seat in a socket limits the bearing seat when the claim would only be geared towards the bearing seat. Further, the recitation "with a spherical surface" makes unclear what is with a spherical sliding surface. Note that this rejection is a result of a run-on clause. For purposes, of this Office action, the examiner has

assumed the spherical sliding surface "rotatably holds an approximately globular ball portion of a ball stud".

Assuming, arguendo, that the bearing seat comprises a spherical sliding surface, how does the recitation "that rotatably holds an approximately globular ball portion of a ball" in lines 2-3 limit the bearing seat. This is a positively limitation and not "as background structure" as applicant alleges at page 8 of the remarks. Applicant is reminded that patentability is based on the structural features of the bearing seat and not on background structure. Accordingly, this is a limitation that must be met for infringement and thus unclear whether the claim positively requires the globular ball portion in combination with the spherical sliding surface. Further, it should be noted that bearing seats are usually "for a ball joint and to be provided in a socket". If applicant is concerted in background structure, the preamble should set forth a "for" statement somewhere. It should also be noted that the language "A bearing seat of a ball joint" in line 1 is equally to "a ball joint bearing seat".

The recitation "an opening communicating with the opening in the socket" in line 4 makes unclear how the opening of the sliding surface communicates with the opening in the socket. Are these openings facing each other? The drawings show the opening of the sliding surface coaxial to that of the socket instead and they don't communicate in the broad sense.

Regarding claim 3, the recitation "for the housing concave portions" in line 3 makes unclear what is for the housing concave portions. Further, the recitation "a line apart from each other" in line 5 makes unclear how one determines a line apart from each other.

Regarding claim 5, the same rejection, as applied to claim 4, applies to this claim. The recitation "and having opening areas approximately equal to each other" in lines 14-15 in conjunction with the limitation "having opening areas equal to each other" in line 13 makes unclear whether the openings are approximately equal or just equal. Note that the latter limitation is narrow limitation within a broad limitation. The limitation "the opening" in lines 17 and 20 makes unclear whether that is the opening of the sliding surface or that of the socket. The recitation "a tier along the latitudinal direction" makes unclear how the first dimples that form "a line along the longitudinal direction" also form the tier along the latitudinal direction. Are the circular dimples arranged in a cross? This does not seem to reflect what is shown in the drawings. Further, it is unclear to what figure this claim is associated with.

Regarding claims 7 and 9, the metes and bounds of the claim is unclear. In particular, it is unclear how the recitation "the ball portion rotatably held in this bearing seat has a stud portion provided in a protruding condition from the ball portion" in lines 4-6 further limits the structural features of the bearing seat. Note that the ball portion has been inferentially recited in claims 1 and 5, lines 2-3, and thus the ball portion of a

ball stud is not part of the bearing seat. Applicant even has admitted that the limitation of the preamble is background structure. For purposes of this Office action, the examiner has considered the stud portion and ball portion as parts of the bearing seat.

Regarding claim 9, the recitation "the opening" in line 4 makes unclear whether this is the opening of the sliding surface or that of the socket..

Regarding claim 2, the claim depends from claim 1 and therefore is indefinite.

Allowable Subject Matter

Claims 1 and 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2, 3, 7, and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-

7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. G./

Examiner, Art Unit 3679

December 25, 2008

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679